For Court use only PUBLIC MATTER FILED
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STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO
t Judge S, CONCLUSIONS OF LAW AND ER APPROVING
TION REJECTED

Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted May 7, 1981.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of 14 pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."



- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
 - Costs are added to membership fee for calendar year following effective date of discipline (public reproval).
 - Case ineligible for costs (private reproval).
 - Costs are to be paid in equal amounts prior to February 1 for the following membership years: (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure.) If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".

- Costs are entirely waived.
- (9) The parties understand that:
 - (a) A private reproval imposed on a respondent as a result of a stipulation approved by the Court prior to initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, but is not disclosed in response to public inquiries and is not reported on the State Bar's web page. The record of the proceeding in which such a private reproval was imposed is not available to the public except as part of the record of any subsequent proceeding in which it is introduced as evidence of a prior record of discipline under the Rules of Procedure of the State Bar.
 - (b) A private reproval imposed on a respondent after initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.
 - (c) A public reproval imposed on a respondent is publicly available as part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.

B. Aggravating Circumstances [for definition, see Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b)]. Facts supporting aggravating circumstances are required.

- (1) **Prior record of discipline** [see standard 1.2(f)]
 - (a) State Bar Court case # of prior case
 - (b) Date prior discipline effective
 - (c) Rules of Professional Conduct/ State Bar Act violations:
 - (d) Degree of prior discipline
 - (e) If Respondent has two or more incidents of prior discipline, use space provided below or a separate attachment entitled "Prior Discipline.

- (2) Dishonesty: Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3) Trust Violation: Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4) **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.
- (5) Indifference: Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6) Lack of Cooperation: Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7) Multiple/Pattern of Misconduct: Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct.
- (8) No aggravating circumstances are involved.

Additional aggravating circumstances:

C. Mitigating Circumstances [see standard 1.2(e)]. Facts supporting mitigating circumstances are required.

- (1) No Prior Discipline: Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2) **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3) Candor/Cooperation: Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings. Respondent has been cooperative following referral by the Office of Probation.
- (4) Remorse: Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) **Restitution:** Respondent paid \$ on in restitution to without the threat or force of disciplinary, civil or criminal proceedings.
- (6) Delay: These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7) **Good Faith:** Respondent acted in good faith.
- (8) Emotional/Physical Difficulties: At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of

any illegal conduct by the member, such as illegal drug or substance abuse, and Respondent no longer suffers from such difficulties or disabilities. Respondent is taking steps to address his issues.

- (9) Severe Financial Stress: At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) Family Problems: At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) Good Character: Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12) Rehabilitation: Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) I No mitigating circumstances are involved.

Additional mitigating circumstances:

D. Discipline:

- (1) Private reproval (check applicable conditions, if any, below)
 - (a) Approved by the Court prior to initiation of the State Bar Court proceedings (no public disclosure).
 - (b) Approved by the Court after initiation of the State Bar Court proceedings (public disclosure).
- <u>10</u>
- (2) Public reproval (Check applicable conditions, if any, below)

E. Conditions Attached to Reproval:

- (1) Respondent must comply with the conditions attached to the reproval for a period of one (1) year
- (2) During the condition period attached to the reproval, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3) Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (4) X Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (5) Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the condition period attached to the reproval. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of the reproval during the preceding calendar quarter. Respondent

must also state in each report whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 (thirty) days, that report must be submitted on the next following quarter date, and cover the extended period.

In addition to all quarterly reports, a final report, containing the same information, is due no earlier than twenty (20) days before the last day of the condition period and no later than the last day of the condition period.

- (6) Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the monitor.
- (7) Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the conditions attached to the reproval.
- (8) Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.



- (9) Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10) Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation within one year of the effective date of the reproval.

No MPRE recommended. Reason: Respondent shall receive credit for completing this condition if he does so before discipline in this case becomes final.

- (11) The following conditions are attached hereto and incorporated:
 - Substance Abuse Conditions Law Office Management Conditions
 - Medical Conditions Einancial Conditions

F. Other Conditions Negotiated by the Parties:

"Respondent shall obtain psychiatric or psychological treatment from a duly licensed psychiatrist, a clinical psychologist or clinical social worker, no less than two (2) times per month and at the Respondent's expense. Respondent shall commence treatment within forty five (45) days of the imposition of discipline. Respondent shall furnish to the Office of Probation Unit, State Bar of California, at the time quarterly reports are required to be filed by the Respondent with the Office of Probation, a written statement from the treating psychiatrist, clinical psychologist or clinical social worker, that respondent is complying with his condition.

"Upon a determination by the treating psychiatrist, clinical psychologist or clinical social worker that Respondent is no longer in ndeed of treatment, respondent shall provide, to the Office of Probation, State Bar of California, a written statement from the treating psychiatrist, clinical psychologist or clinical social worker verifying the conclusion of treatment. Upon acceptance by the Office of Probation, State Bar of California, no further reports under this condition will be required."

Attachment language (if any):

See Stipulation Attachment.

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ATTACHMENT TO

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: STEVEN A. SCHECTMAN

CASE NUMBER: 08-O-14435

FACTS AND CONCLUSIONS OF LAW.

Facts: Count One:

- 1. In or about October 2007, Clifford Berkowitz hired respondent to represent him in a personal injury claim, when he was struck by a motorcycle while riding a bicycle.
- 2. On November 20, 2007, respondent filed suit on behalf of Berkowitz, entitled Berkowitz vs. Mace, Superior Court County of Humboldt, Case No. DR070878.
- 3. Respondent failed to pursue the claim and failed to appear in court on six (6) occasions. Respondent failed to file the appropriate case management conference statements as well.
- 4. As a result of respondent's misconduct, the Court dismissed the action on April 18, 2008.

Conclusions of Law: Count One:

By failing to pursue the claim, failing to appear in court, failing to file case management statements, and allowing the case to be dismissed, respondent intentionally, recklessly, and repeatedly failed to perform legal services with competence in willful violation of rule 3-110(A), Rules of Professional Conduct.

Facts: Count Two:

- 5. The allegations contained in Count One are hereby incorporated by this reference.
 - 6. Respondent failed to timely advise his client of the Court's dismissal of the client's suit. The client discovered the dismissal in May 2008, from a person other than respondent.

Conclusions of Law: Count Two:

By failing to timely notify his client of the dismissal, respondent failed to keep a client

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8 Page # reasonably informed of significant developments in a matter in which Respondent had agreed to provide legal services in willful violation of Business and Professions Code section 6068(m).

Facts: Count Three:

- 7. At all times mentioned, the State Bar of California was the agency charged with attorney discipline in the State of California.
- 8. On or about October 27, 2009, respondent entered an agreement in lieu of disciplinary prosecution ("ALD") with the State Bar of California to resolve matters described in Counts One and Two, i.e., case number 08-O-14435.
- 9. In the ALD, respondent also agreed that the ALD would have inter alia the following effect:

"...2. Business and Professions Code section 6068(1) provides that it is the duty of any attorney 'to keep all agreements made in lieu of disciplinary prosecution with the agency charged with attorney discipline.' Any conduct by the Respondent within the effective period of this agreement which violates this agreement may give rise to prosecution for violation of Business and Professions Code section 6068(1) in addition to prosecution for the underlying allegations.

"3. The facts stipulated to as to the underlying misconduct are binding upon the Respondent, and the Stipulation as to Facts and Agreement in Lieu of Discipline, while confidential, may be admitted as evidence without further foundation at any disciplinary hearing held in conjunction with Respondent's failure to comply with the conditions of this agreement.

"4. Should Respondent comply fully with the terms and conditions of this agreement as specified herein, the matter(s) referenced herein will thereafter be closed by the State Bar and the State Bar agrees that it will be precluded from reopening the referenced matters for any reason other than as stated in this agreement."

- 10. As consideration for this agreement, respondent promised inter alia to comply with the conditions specified in the ALD for a period of two years.
- 11. The ALD became effective on or about October 27, 2009, which was the date that it was executed by all parties, and the ALD has remained in full force and effect at all times thereafter.

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12. Respondent did not begin mental health counseling within the time specified by the ALD. Because of this, on or about January 25, 2010, the parties agreed "...to extend the period of [respondent's] ALD for another sixty days past the original ending date. This will assure that the full period of counseling contemplated by the agreement takes place." The State Bar contends that this agreement was only intended to address respondent's failure to comply with the counseling condition and, thus, did not extend respondent's duty to comply with other conditions of the ALD described below (i.e., Ethics School and Multi-State Professional Responsibility Examination).

13. QUARTERLY REPORTS

(a) One of the conditions of the ALD required respondent to submit quarterly reports as follows:

"That during the effective date of this agreement, Respondent shall comply with the provisions of the State Bar Act and Rules of Professional Conduct of the State Bar of California.

"That during the effective period of this agreement, Respondent shall report not later than January 10, April 10, July 10 and October 10 of each year or part thereof during which the conditions of this agreement are in effect, in writing, to the Office of Probation, State Bar Court, Los Angeles, which report shall state that it covers the preceding calendar quarter or applicable portion thereof, certifying by affidavit or under penalty of perjury (provided, however, that if the effective date of this agreement is less than thirty (30) days preceding any of said dates, Respondent shall file said report on the due date next following the due date after said effective date):

"(a) in Respondent's first report, that Respondent has complied with all provisions of the State Bar Act and Rules of Professional Conduct since the effective date of said agreement;

"(b) in each subsequent report that Respondent has complied with all provisions of the State Bar Act and Rules of Professional Conduct during said period;

"(c) provided, however, that a final report shall be filed covering the remaining portion of the effective period of this agreement following the last report required by the foregoing provisions of this paragraph certifying to the matters set forth in subparagraph (b) thereof."

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- (b) As to the report that was due not later than April 10, 2010, respondent violated this condition by submitting a defective report. Specifically, respondent signed the report on March 29, 2010 and thus the report did not "cover[] the preceding calendar quarter" as required by the reporting condition. To date, respondent has not submitted a corrected April 10, 2010 quarterly report despite receiving repeated communications from the Office of Probation requesting that respondent provide the corrected report. The communications from the Office of Probation were: (1) voicemail messages that received on or about April 6, 2010 and September 30, 2010, (2) a telephone conversation on September 30, 2010.
- (c) Respondent violated this condition by failing to timely file the report due not later than October 10, 2010. To date, respondent has not filed this report.

14. PSYCHOLOGICAL TREATMENT RECORDS

(a) One of the conditions of the ALD required respondent to provide written reports from a mental health professional as follows:

"That Respondent shall obtain psychiatric or psychological treatment from a duly licensed psychiatrist, a clinical psychologist or clinical social worker, no less than two (2) times per month and at the Respondent's expense. Respondent shall commence treatment within forty five (45) days of the imposition of discipline. Respondent shall furnish to the Office of Probation Unit, State Bar of California, at the time quarterly reports are required to be filed by the Respondent with the Office of Probation, a written statement from the treating psychiatrist, clinical psychologist or clinical social worker, that respondent is complying with his condition.

"Upon a determination by the treating psychiatrist, clinical psychologist or clinical social worker that Respondent is no longer in ndeed of treatment, respondent shall provide, to the Office of Probation, State Bar of California, a written statement from the treating psychiatrist, clinical psychologist or clinical social worker verifying the conclusion of treatment. Upon acceptance by the Office of Probation, State Bar of California, no further reports under this condition will be required."

(b) At no time did respondent provide a written statement from the treating psychiatrist, clinical psychologist or clinical social worker verifying the conclusion of treatment. Therefore, respondent was required to submit the above-mentioned written statements from his therapist.

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11 Page # (c) Respondent violated this condition by failing to timely submit said written statements with the quarterly reports due April 10, 2010, July 10, 2010, and October 10, 2010. To date, respondent has failed to submit those statements.

15. MULTISTATE PROFESSIONAL RESPONSIBILITY EXAMINATION

(a) One of the conditions of the ALD required respondent to take and pass the Multi-State Professional Responsibility Examination ("MPRE") as follows:

"Respondent shall, within one (1) year of the execution of this agreement by all parties, take and pass the Multi-State Professional Responsibility Examination ("MPRE") administered by the National Conference of Bar Examiners and provide satisfactory proof of such passage to the Probation Unit, State Bar Court, within said year."

(b) Respondent violated this condition because, to date, he has not passed the MPRE and has not submitted proof of such passage.

16. ETHICS SCHOOL

(a) One of the conditions of the ALD required respondent attend Ethics School, as follows:

"Within one (1) year of the date of the execution of this agreement by all parties, Respondent shall attend the State Bar Ethics School, which is held periodically at the State Bar of California (180 Howard Street, San Francisco) and shall take and pass the test given at the end of such session. Because Respondent agreed to attend State Bar Ethics School as part of this Agreement in Lieu of Discipline, Respondent may receive Minimum Continuing Legal Education credit upon satisfactory completion of State Bar Ethics School."

(b) Respondent violated this condition because, to date, respondent has not attended Ethics School.

Conclusions of Law: Count Three:

By violating the quarterly reporting requirement, mental health, MPRE and Ethics School Conditions of his ALD, respondent failed to keep all agreements made in lieu of disciplinary prosecution with the agency charged with attorney discipline in willful violation of Business and Professions Code section 6068(1).

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PENDING PROCEEDINGS.

The disclosure date referred to, on page two, paragraph A.(7), was January 25, 2011.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of January 25, 2011, the estimated prosecution costs in this matter are approximately \$2,568.75. Respondent acknowledges that this figure is an estimate only and that it does not include State Bar Court costs which will be included in any final cost assessment. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

AUTHORITIES SUPPORTING DISCIPLINE.

Standard 2.4(b) specifies culpability of a member of willfully failing to perform services in an individual matter or matters not demonstrating a pattern of misconduct or culpability of a member of willfully failing to communicate with a client shall result in reproval or suspension depending on the extent of the misconduct and the degree of harm to the client.

Standard 2.6(a) specifies culpability of a member of a violation of sections 6067 and 6068 of the Business and Professions Code shall result in disbarment or suspension depending on the gravity of the offense or the harm, if any, to the victim, with due regard to the purposes of imposing discipline set forth in Standard 1.3.

In the Matter of Sullivan, II (Review Dept. 1997) 3 Cal. State Bar Ct. Rptr. 608 (respondent received one year suspension stayed, three years probation including 60 days actual suspension, Multistate Professional Responsibility Examination, and other probation conditions for misconduct involving four client matters: failure to perform legal services, failure to respond to client inquiries and to keep clients informed of significant development in their cases).

In the Matter of Meyer (Review Dept., 1997) 3 Cal. State Bar Court. Rptr. 697 (90-day actual suspension; 2 years suspension, stayed; 3 years probation. Respondent had three prior discipline, one which involved client misconduct and two involving violation of probation conditions).

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((Do	not	write	above	this	line.)

In the Matter of:	Case number(s):
STEVEN A. SCHECTMAN	08-O-14435

SIGNATURE OF THE PARTIES

By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Facts, Conclusions of Law, and Disposition.

Jan 3/ 2011 (Date	Respondent's Signature	Steven A. Schectman Print Name
<u> </u>		
Date	Respondent's Counsel Signature	Print Name
2/11/2011	manall	Susan Chan
Date	Deputy Trial Counsel's Signature	Print Name

In the Matter of:	Case Number(s):
STEVEN A. SCHECTMAN	08-O-14435

REPROVAL ORDER

Finding that the stipulation protects the public and that the interests of Respondent will be served by any conditions attached to the reproval, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

The stipulated facts and disposition are APPROVED AND THE REPROVAL IMPOSED.

The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the REPROVAL IMPOSED.



Ζ

All court dates in the Hearing Department are vacated.

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 5.58(E) & (F), Rules of Procedure.) Otherwise the stipulation shall be effective 15 days after service of this order.

Failure to comply with any conditions attached to this reproval may constitute cause for a separate proceeding for willful breach of rule 1-110, Rules of Professional Conduct.

2011 14

Date

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Judge of the State Bar Court

LUCY ARMENDARIZ

CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of San Francisco, on February 14, 2011, I deposited a true copy of the following document(s):

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING

in a sealed envelope for collection and mailing on that date as follows:

by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

STEVEN ALLAN SCHECTMAN PACIFIC LAW-LAW OFFICE OF STEVEN SCHECTM 1212 BROADWAY STE 802 OAKLAND, CA 94612

by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

SUSAN CHAN, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on February 14, 2011.

Laine Silber Case Administrator State Bar Court